

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEMS PRODUCTS LIABILITY
LITIGATION

Master File No. 2:12-MD-02327
MDL 2327

ETHICON WAVE 3 CASES LISTED IN
EXHIBIT A

JOSEPH R. GOODWIN U.S. DISTRICT
JUDGE

**DEFENDANTS' SUPPLEMENTAL MOTION TO EXCLUDE AND NOTICE OF
ADOPTION OF PRIOR DAUBERT MOTION AND REPLY BRIEF OF JOHN MIKLOS,
M.D. FOR WAVE 3**

Comes now, Defendants Ethicon, Inc., Ethicon, LLC and Johnson & Johnson (collectively, "Ethicon"), and hereby move to exclude certain general opinions of one of Plaintiffs' experts, Dr. John Miklos. Defendants also adopt and incorporate by reference the *Daubert* motion filed against Dr. John Miklos for Ethicon Wave 1 cases, Dkt. Nos. 2032 (motion), 2034 (memorandum in support) and supporting Reply brief, Dkt. 2227. Ethicon further incorporates by reference their supplemental memorandum of law filed contemporaneously herewith, and relies on the additional exhibits listed below.

In addition to the arguments set forth in Ethicon's briefings filed against Dr. Miklos for Ethicon Wave 1 cases, Ethicon submits that Dr. Miklos's opinions related to design defect are unsupported and unreliable. Moreover, Dr. Miklos is not qualified to offer them. Ethicon acknowledges the Court's Order (Dkt. 2669) related to Ethicon's *Daubert* motion filed against Dr. John Miklos for Ethicon Wave 1 cases. Ethicon respectfully requests that the Court exclude Dr. Miklos's testimony, for the reasons expressed in the Wave 1 briefings and Ethicon's supplemental memorandum of law filed contemporaneously herewith. This notice applies to the

Wave 3 cases identified in Exhibit A attached hereto. Ethicon also incorporates and relies on the following exhibits:

- B. Rule 26 Expert Report of John Miklos M.D.;
- C. Excerpts from Dr. Miklos's 4/8/16 Deposition Transcript; and
- D. Excerpts from Dr. Miklos's 2/6/15 Deposition Transcript.

Respectfully submitted,

/s/Christy D. Jones

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Christy D. Jones

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